

FERTILIZER REGULATIONS

(Act 106 of 1951 as amended by Acts 221 and 301 of 1953, Act 356 of 1957, Act 398 of 1981 and Act 189 of 1991, and Act 783 of 1993)

REGULATION NO. 1. Records and Reports.

1.1 Adequate records shall be kept to indicate accurately the tonnage of commercial fertilizers distributed in this State by each manufacturer, manipulator or registrant.

1.2 Monthly fertilizer tonnage reports are required of all registrants by the 20th of the following month even though no tonnages are distributed and/or no inspection fees are due. Manufacturers may elect not to pay the inspection fees on shipments to the account of other manufacturers whose fertilizers are registered in Arkansas, providing however that in such cases the required invoices or shipping tickets in part 1.3 of this Regulation bear a notation similar to "Arkansas inspection fee not paid - responsibility of registrant listed above".

1.3 Each registrant shall mail a numbered invoice or shipping ticket to the State Plant Board, P.O. Box 1069, Little Rock, Arkansas 72203, within 5 days after each sale or distribution in Arkansas. The invoice or shipping ticket shall bear the following:

- (a) Date of shipment or sale.
- (b) Name and grade of fertilizer material.
- (c) Name and address of manufacturer or shipper.
- (d) Name, address and county of purchaser and/or party to whom shipment is made.
- (e) Number and weight of packages, if any, and total weight in tons for each grade and material.
- (f) Bulk and liquid shipments shall be identified on the invoice by the terms "Bulk" or "Liquid" and the total weight in tons must be given.
- (g) If the shipment is to the account of a registrant, and the inspection fee responsibility is intended to be passed on to such registrant, a notation similar to "Arkansas inspection fee not paid - responsibility of the registrant listed above".

Provided that, on distributions of fertilizer on which a registrant will pay the inspection fees, the Plant Board may permit such registrants to submit in lieu of the foregoing a weekly or monthly summary listing the county, tons, form (bulk, liquid, bagged, etc.) and grade of each fertilizer so distributed. Such summary shall be submitted within five (5) days after the end of the permitted reporting period. When inspection fees are passed on to another registrant, the invoice and shipping ticket with notation requirements as given in this registration shall be complied with.

REGULATION NO. 2 Brand Registration and Facility License Fees.

2.1 Registrations. Each fertilizer shall be registered before being offered for sale, sold or distributed in Arkansas. The application for registration shall be submitted in duplicate to the Plant

Board on forms furnished by the Plant Board, and shall be accompanied by a fee of **\$25.00 per brand**. All registrations shall expire June 30 of each year. The name of any commercial fertilizer or fertilizer material shall be considered as a distinct and separate brand when differing in any aspect other than the grade or common name of the fertilizer material.

A distributor shall not be required to register any brand of fertilizer or fertilizer material which is already registered under this Act by another firm or person, provided the label is not modified in any respect.

2.2 Licenses. All manufacturers, jobbers, blenders and manipulators of commercial fertilizer and of fertilizer materials to be used in the manufacture of fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer or fertilizer materials, shall first obtain a facility license. Application for the license will be furnished by the Plant Board, and shall be submitted in duplicate and accompanied by a fee of **\$50.00** for each fertilizer blending and/or bulk storage facility. All licenses shall expire June 30 of each year.

REGULATION NO. 3. Penalties for Plant Food Storage.

Penalties shall be assessed according to A or B as herein stated. **Provided**, when a fertilizer is subject to a penalty under both A and B, only the larger penalty shall be assessed.

Penalty A: When the total nitrogen, available phosphoric acid, potash value of a fertilizer is found to be deficient from the guarantee to the extent of 3% and not over 5%, the manufacturer shall be liable for the actual deficiency. When the deficiency exceeds 5% of the total value, the penalty shall be three times the actual value of the shortage.

Penalty B: When either nitrogen, available phosphoric acid or potash is found deficient from the guarantee to the extent of 10% or more, the manufacturer shall be liable for the value of such shortages.

REGULATION NO. 4. Penalty for Short Weight.

When any fertilizer shipment is found to be short in net weight to the extent of 1% and not exceeding 5% of the guarantee, the manufacturer or his agent shall be liable for the value of the actual shortage. When the weight shortage exceeds 5%, the penalty shall be three times the value of the actual shortage.

REGULATION NO. 5. Penalty for Other Variances.

Deficiencies in any other constituents not listed in Regulations Nos. 3 and 4, which the registrant is required to or may guarantee, or excesses of those which are known to be harmful to plants, may be evaluated and penalties prescribed by the Plant Board or its authorized representatives.

REGULATION NO. 6. Stop-Sale Orders.

The Plant Board may issue and enforce a stop-sale order on any fertilizer found subject to a penalty under the Fertilizer Regulations, or when said fertilizer is consistently found deficient from the guaranteed claims to any appreciable extent. Fertilizers so stop-saled shall be released when the same are labeled by the manufacturer or his agent to reflect the true contents, or when the shipment is to be returned to the manufacturer for reprocessing. All costs and expenses incurred by the Plant Board in such withdrawals shall be paid by the manufacturer to the Plant Board within 15 days after release is given.

REGULATION NO. 7. Labeling of Bulk, Liquid or Dry Fertilizers.

An invoice shall accompany each bulk fertilizer shipment and be given to the purchaser at the time of delivery. The invoice shall bear the following information:

- (a) net weight
- (b) brand name and grade
- (c) guaranteed analysis
- (d) name and address of the manufacturer
- (e) name and address of the purchaser

REGULATION NO. 8. Secondary and Minor Plant Nutrients.

When any reference or claim is made on the label for secondary and minor plant nutrients, a specific % guarantee as the element shall be given in the guaranteed analysis. The elements and the minimum amount of each that may be guaranteed shall be limited to the following, providing however that the minimum(s) may be lower for chelates of these elements upon specific authorization of the Plant Board or its authorized representatives.

Element %	Element %
Calcium (Ca) 1.00	Copper (Cu) 0.05
Magnesium (Mg) 0.50	Iron (Fe) 0.10
Sulfur (S) 1.00	Manganese (Mn) 0.05
Boron (B) 0.02	Molybdenum (Mo) 0.0005
Chlorine (Cl) 0.10	Sodium (Na) 0.10
Cobalt (Co) 0.0005	Zinc (Zn) 0.05

An additional numeral(s) referring to the guarantee of secondary or minor plant nutrients will not be permitted in conjunction with the usual N-P-K designations of a fertilizer grade.

This publication is provided as a service to assist in the administration of the Act.
Additional copies are available upon request by contacting:

Arkansas State Plant Board
Feed & Fertilizer Division
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